



8. Net2Phone admits the allegations of paragraph 8.

9. Net2Phone denies the allegations of paragraph 9.

10. Net2Phone denies the allegations of paragraph 10.

11. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Net2Phone has contemporaneously filed a motion to dismiss eBay's counterclaim of inequitable conduct for failure to state a claim upon which relief can be granted.

Net2Phone denies that eBay is entitled to any and all of the relief sought in the WHEREFORE CLAUSE or any of its subparts.

eBay did not allege that Defendants IDT Corporation, IDT Telecom, Inc., or Union Telecard Alliance, LLC are subject to its counterclaims, nor could it. However, to the extent that any of the allegations in eBay's counterclaims are directed to these entities, they deny those allegations.

Except as expressly admitted herein, the allegations in eBay's counterclaims are denied.

#### **PRAYER FOR RELIEF**

WHEREFORE, Net2Phone respectfully prays for the following relief:

A. That this Court deny any and all relief requested by eBay in its counterclaims;

B. That eBay's counterclaims be dismissed with prejudice;

C. That this Court grant such other and further relief to Net2Phone as this Court may deem just and equitable and as the Court deems appropriate and necessary.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Net2Phone requests a jury trial on all claims and issues so triable.

Respectfully submitted,

Dated: December 12, 2008

/s/ Vandana Koelsch

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**CERTIFICATE OF SERVICE**

I, hereby certify that on December 12, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

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